

REMARKS

Upon entry of this Amendment, which amends Claims 1, 7 and 26, Claims 1-7 and 9-42 remain pending in the present application.

In the July 29, 2004 Office Action, Claims 1-7 and 9-42 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 5,784,633 to Petty (hereinafter referred to as “Petty ‘633”) in view of U.S. Patent No. 6,389,486 to Petty (hereinafter referred to as “Petty ‘486”). Applicant respectfully requests reconsideration of the claims in view of the above amendments and the comments below.

35 U.S.C. § 103(a) Claim Rejections

In the January 29, 2004 Office Action, Claim 1-7 and 9-42, were rejected as allegedly being obvious over Petty ‘633 in view of Petty ‘486. For the following reasons Applicant respectfully disagrees.

Petty ‘633 discloses a “system and method for providing for simultaneous transmission of user data (the I/O data between a source DTE and a destination DTE) and control and/or status data (the data that the DTE conveys for DCE control and the data the DTE receives from the DCE for status purposes, respectively)”. (Petty ‘633 Abstract).

By contrast, the presently claimed invention is directed at a multi-function interface device (independent Claims 1, 19 and 34), a wireless modem (independent Claim 7), and a wireless communication device (independent Claim 26). The “first logic device” in independent Claim 1 is recited to have “both Internet Protocol (IP)-based and

non-IP-based communication capabilities between the wireless modem and the host”.

The “at least one of the [plurality of] logical devices” in independent Claim 7 is recited to “accommodate both Internet Protocol (IP)-based and non-IP-based communications between the wireless modem and the host.” Similarly, the “communication port” recited in both independent Claims 19 and 26 is recited to be “capable of transmitting both Internet Protocol (IP)-based and non-IP-based data between the wireless communication device and the computing device”. Similarly, again, the “communication port” in Claim 34 is recited to be “configured to transmit either Internet Protocol (IP)-based or non-IP-based data between the wireless NIC and the host computer”.

Petty ‘633, whether considered alone or modified by Petty ‘486 does not teach or suggest a multi-function interface device, a wireless modem, or a wireless communication device that has a logical device or communication port capable of transmitting or accommodating “both Internet Protocol (IP)-based and non-IP-based” data or communications. The Examiner cites the abstract and col. 4, line 19 through col. 5, line 3 of Petty ‘633 as purportedly describing “a first logical device for providing both IP-based and non-IP-based communication capabilities”. Applicant respectfully disagrees. There is simply no teaching or suggestion of IP-based data in Petty ‘633, let alone a device or interface capable of accommodating or communicating *both* IP-based and non-IP-based data, as the presently claimed invention claims.

For at least the foregoing reasons, Applicant respectfully believes that the § 103(a) rejections of independent Claims 1, 7, 19, 26 and 34, as allegedly being

unpatentable over Petty '633 in view of Petty '486 cannot be properly maintained.

Applicant requests, therefore, that the § 103 rejections of independent Claims 1, 7, 19, 26 and 34 be withdrawn.

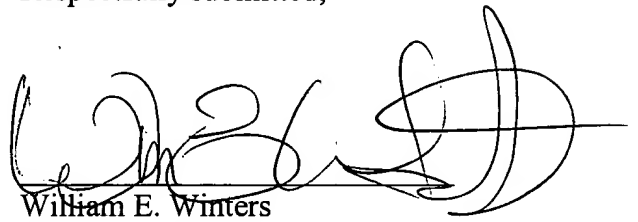
The remaining claims were also rejected for allegedly being obvious over Petty '633 in view of Petty '486. These remaining claims are dependent claims, which all depend from one of independent Claims 1, 7, 19, 26 or 34. Accordingly, they derive patentability for depending on what appear to be allowable base claims. Applicant requests, therefore, that the § 103(a) rejections of the dependent claims also be withdrawn.

CONCLUSION

In view of the foregoing, Applicant believes all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 408-282-1857.

Respectfully submitted,


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